NEW TRIAL

520-Per Cent. Franklin Syndicate Man May Be Released.

HE IS NOW IN SING SING.

Six of the Seven Judges Were i Favor of the Prisoner's Application.

prison and put under bonds until the new trial is had. He has been in jat! since April 30, 1900.

The Appelate Division Justices re Court, and the sentence of Judge Hurd to ten years at hard labor, on the ground that he indictment against Miller was faulty.

Six Justices concurred in the applica tion for a new trial. Chief Justice William W. Goodrich was the only disser ter. He wrote a long opinion in favor etting the judgment stand. Miller was convicted on the specifi

brought by Mrs. Catharine Moser, that he had stolen \$1,000 from cleared much over \$1,000,000 in profits during the few months it flourished

Miller was the only one of the syndi cate to be arrested. ment against Miller. The first charge

trust by appropriating the money to Justice Hirschberg, in a thirty-eight-

larceny, through felonious breach of

In trying the case, he says, District-Attorney Clarke elected to go to the jury under the common-law count. Miller's lawyers held that he could not be convicted under this, count as this specife charge was not such as came

under the statute. Justice Hirschberg says:

"It is undoubtedly true that Mrs. Meser was induced to part with \$1,000, for which she took a receipt, and she understeed that it was to be used by the defendant to gamble with, and there was a specific agreement as to the percent, she was to receive.

"Her consent was not limited to the custody, but gave him the title and deminion of the money. She rave him the money to gample with." He puts great stress on the fact that the money was given to Miller for gambling, and says:

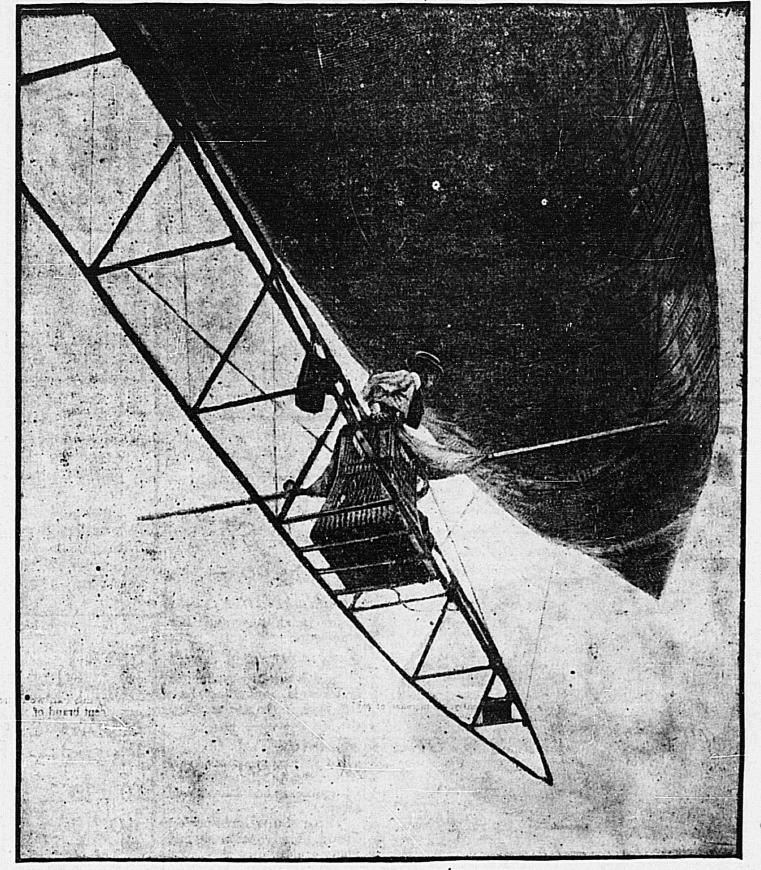
"This is not stealing under the law?" The Justice supports the Court's conention by saying that Miller made no false representations to Mrs. Moser, but simply contracted to pay her 10 per her money gambling.

The question of Mrs. Moser's intentio to offset this, but the Court rules that tentions should have been presented to the jury, which was not done,

James W. Ridgway, will probably apply at once for a writ of habeas corpus for Miller to have him put in the Sheriff's custody and later admitted to ball pending the new-trial. Belfer & Flash, counsel for the Miller

SANTOS-DUMONT'S AIRSHIP FLIES SWIFT AND TRUE ON TRIAL TRIP.

Inventor Sends His Machine Along at Will and Starts Well Again To-Day to Encircle Eiffel Tower for Prize, When Rudder Breaks and Stops Him.



Miller's lawyers, Fred B. House and return to the starting place after going met disaster.

The airship was started against the ered. cessful flight of yesterday and ultimately

winning the prize,

but, owing to an accident to the rudder predicted that his new machine would of his flying machine, he was obliged to prove as incapable as that in which he again mounted his aerial carriage, complished previously in aeronautics.

miles an hour

PARIS. Oct. 11.-Santos-Dumont, the He performed evolutions thought to grace and rapidity, the machine re- the course to an inch. Brazilian aeronaut, made another it-tempt to-day to win the Deutsch prize, there to the utter rout of those who had customed to travel upon roads.

> champs at a speed of about thirty-five an eagle in its flight, always readily accident, obeying the control of the operator.

The feat eclipsed anything ever ac-

He will give half of the prize to th His flying machine was in perfect order Automobiles which followed the air. Steering for his construction shed, M. poor of Paris and the other half to those syndicate creditors, will fight against yesterday and was guided at will by the ship were distanced with case. The de- Santos-Dumont had to pass through a who have aided him to the realization

NINE-YEAR CHILD IN A PRISON CELL.

Little Clarissa Gilman, Held for the Theft of Wheel, Tells Her Quaint Story.

Mire-year-old Clarisea Gilman gazed | days and enjoyed long rides around the sorrowfully from behind the bars of a town. cell in the Union County Jail at Cran- She sat on the floor of her cell and

Her long curls were tousled from sleeping on a prison bed, and her black said, "long way from where we live eyes filled with tears as she looked at We live downtown, but this was a long

Since vesterday she had been behind house the bars, but to-lay the nature of the erime for which she was held appeared her wheel before lots of times, an' she no clearer to her childish mind than didn't care. She let me. So when I saw

the girls and boys hurrying by on their way off. An' I saw a wheel sitting by way to school. way to school.

SOUTH CAROLINA APPOINT-MENT WILL SURPRISE.

WASHINGTON, Oct. 11.-President Roosevelt has decided definitely to appoint V. P. Clayton, of Columbia, S. C., Collector of Internal Revenue for that

told her story. "I'se coming down the street,

State, to fill the vacancy caused by the death of E. A. ebster. The announcement will create surprise, as it was unlerstood pretty generally that Loomis Blalock had been selected for the place. Dr. Clayton was formerly poetmaster at Columbia. He is an organization Re-

It is understood that the President will shortly appoint R. O. Stewart to be postmuster at Newbern, N. C. Mr. Stewart is said to be distantly related to

The test of an ad is the profit

WIFE DEAD, HE ENDS HIS LIFE

HEARTRBOKEN. HE FOLLOWS HER IN 24 HOURS.

After Careful Planning, Edward J. Wood Commits Suicide by Inhaling Ges.

Heartbroken over the death of h' Heartbroken over the death of h's addressing the employees of both wife, Edward J. Wood, thirty-two years concerns he distributed among them old, committed suicide by inhaling illuminating gas at Starr's Hotel, No. 316 Greenwich street, to-day.

Just twenty-four hours after Mrs. Wood had breathed her last the preprietor of the hotel broke open the door of

mo clearer to her childish mind than when she was first arrested.

This little girl, hardly more than an infant, bright-faced, intelligent-looking, but badly scared because she doesn't know why she should be confined and her girl playmates be free, is charged with the theft of a bleycle.

It is alleged with all the due formality of Jersey law and justice that the child in prison stole a bleycle from Myrtle Clark, of Cranford, kept it for three.

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It is alleged with all the due formality of Jersey law and justice that the child in prison stole a bleycle from Myrtle Clark is related to the family and works for her board.

Wood had breathed her last the propingetor of the hotel broke open the door of the hotel broke open the form on, it is all the ble bed.

Wood as that of a bartender and an employee of the "L" railroad, came to the hotel about a month ago with his wife, Lena.

The woman was taken ill with asthma, and Wood gave much of his time when not at work to nursing her. She died yesterday morning and her body was emoved to the Morgue in the afternoon. Last evening when Wood retired he

Last evening when Wood retired he asked the night clerk to allow him to spend the night in the room where his wife had died. The clerk saw that the man was downcast, and refused, thinking that it would do him no good to occupy the old room and brood on his troubles. He was accordingly given a small room on the fourth floor.

When the door was broken in to-day it was seen that the man had carefully planned his death. He had removed the sheets from the bed and with them had covered the windows and the door, He had the thou taken the tip off the gasbuiner, turned on the gas and thrown himself across the bed.

Besides his effects and four cents in cash, he left a letter, which was turned over to the Coroner.

Wood's body will be taken to the Morgue to lie beside that of his wife.

850.000 OF TRANSPORT CO.

He will try again in a day or two, wind and rose easily, taking a course and is confident of duplicating his suc-straight ahold and darting for Long-metres the airship wheeled circles, like Tower, but, as stated, failed through an

scent at Longchamps was made with narrow space in the descent. He gauged of his hope if he wins the money.

GIVES \$20,000 TO EMPLOYEES.

Gift' of Bank President Francis A. Palmer on His Retirement.

The employes of the National Broad- old, in addressing the employees, said way Bank and the Broadway Savings that he thought he had carned a rest nstitution are \$20,000 richer to-day than from the cares and worries involved in hey were vesterday.

bank Francis A. Palmer, President of

the management of such an institution as that of which he had been the head. He had sold his interest in the bank, he the bank, retired yesterday and after said, and had retired not only from the west Presidency, but from the Board of Directors. He will continue as Presider \$20,000 in eash.

Each of the beneficiarles received a sum of money in accordance to the length of time he had been in service. Some of the older employees found that their shares amounted to \$3.000.

Mr. Palmer, who is eighty-nine years

COL. JOHN C. CALHOUN ASKS

ment for It in the Spanish War.

for \$50,000 commission on the sale of use in the Spanish war, the deposition retary of Wer, was read to-day.

Justice Beach and a jury are trying the suit in Part III., of the Supreme Court. The defense is that the company didn't employ Col. Calhoun to sell the Mississippi and Michigan, old National liners, and their sale was not made through his influence.

he Detroit civilian, who was appointed by Alger with rank of Colonel to seure ships for carrying supplies. The principal points of Secretary Alger's testimony, taken in Washington, and read to-day, were that he couldn't remember introducing Calhoun to Col. Hecker and Answering "yes," with a

smile, when asked if Gen. Eagan had sen rettred. Secretary Alger denied that the boats

Col. Calhoun claims Secretary Algentroduced him to Col. Frank J. Hecker,

The local cotton market opened easy to-day, with prices 6 to 9 points lower. Cables were about a standoff, futures being unchanged, while cotton advanced Secretary Alger denied that the boats were bought through Calhoun, but through the New York Shipping Company, of Baltimore.

F. C. Morehead, of the New York Life Insurance Company, was called to the stand at the conclusion of an hour's reading of Gen. Alger's deposition, and Mr. Morehead testified that he happened to be in Col. F. J. Hecker's office when Secretary Alger entered with Col. Calhoun, whom he introduced to Col. Hecker.

MORCAN ORDERS

STANDARD OIL INFLUENCE ALSO AIDS MARKET.

ig Buying in Pacifics and St. Paul and Other Leading Issues

ar time for weeks past. The demand narket for these securities was almost uoyant, and the continued case of all money were the chief factors in bringing about these conditions. It was the opinion, however, of vet-

ran operators that certain big interests

which had been on the selling side were low of the opinion that it was time to everse their position. Brokers comonly believed to be acting for Standard Il and Morgan interests were promient in to-day's movement, which, while

nent in to-day's movement, which, while in no degree sensational, reflected an improved sentiment all around.

In place of the one, two and three hundred share lots of the past fortnight, many of to-day's opening transactions were in lots of 1,000 shares or over. This was true of early dealings in Atchison'common, Bouthern Railway common, Bt. Paul, Union Pacific, Norfolk & Western, Erie and several other railway issues, while Steel common opened in two lots of 2,500 shares, with fairly large dealings in Amalgamated Copper and other industrials.

The market was spotty at ncon. Bt. Paul and Rock Island increased their gains to 3 points, and Union Pacific crossed 99. The strength of these stocks was utilized as a cover for realization elsewhere, but the losses were not important. Cieveiand, C., C. & St. Louis, Lackawanna and American ick were a point higher.

The enermous purchases of St. Paul

portant. Cieveiand, C., C. & St. Louis, Lackawanna and American Icc were a point higher.

The enormous purchases of St. Paul hrew the short interest in the stock nto demoralization, and their furious competitive bidding ran the price up 5-8 to 1642-8. Large amounts of Atohison and the Pacifics were also bought. Union Pacific bringing 100 1-4. St. Louis Southwestern preferred lost 11-2 on its unfavorable earnings.

The marked feature of the afternoon was the pronounced strength of St. Paul and Union Pacific stocks. No news accompanied the move in these shares, but there was a revival of the many important Western railroad deals. There was profit-taking, which carried St. Paul, Union Pacific, Missouri Pacific and Sugar back about a point. Amalgamated Copper dropped below last night's level. Southern Pacific continued to advance, rising two points in all. The rise was taken up again in the late dealings, St. Paul rising to 167. Brooklyn Transit, Manhattan, Sugar, the Pacifics and some other stocks rose to the highest. St. Paul fluctuated very

racific Mall
Pennsylvania
People's Gas.
Peoria & East
Reading
reading 1st pf.
raining 2d pf.
tibber Goods pf.
thern Pacific

Grain markets reflected the government report with 1-ic. advance on wheat and 3-Sc. on corn, the former being influenced almost entirely by the corn strength, although higher cables, rain in the northwest and small Argentine shipments all had an early influence upon sentiment. fluence upon sentiment. New York's opening prices were; De-cember wheat. 76 3-8 to 1-2; May wheat, 78 3-8; December corn, 61 7-8; May corn,

Chicago's opening prices were: December wheat, 69 1-2 to 3-8; May wheat, 172 7-8; May corn, 72 7-8; December corn, 56 3-4 to 7-8.

New York's closing prices were: October wheat, 73 7-8; December wheat, 75 3-4 bid; October corn, 61 1-4 bid; November corn, 61 5-8; December corn, 61 7-3; May corn, 52 1-2 bid.

Chicago's opening prices were: October wheat, 68 1-2; December corn, 61 7-3; May corn, 52 1-2 bid.

Chicago's opening prices were: October wheat, 68 1-2; December corn, 61 7-3; May corn, 55 1-2; December corn, 55 7-8; May corn, 58 1-2; December, wheat, 70; May wheat, 73 1-2; October corn, 55 3-4; December corn, 56 7-8; January corn, 55 7-8; May corn, 58 1-2.

The Cotton Market.

BERNHEIM'S Values Are Famous. If we had nothing but our low prices to offer we would be in the same boat with a hundred other clothing stores. It is our low prices tacked on the very best Clothing in the market that draw the trade to this Harlem store from every

part of Greater New York. A few magnetic items culled at random

from our immense stock of Peerless Clothing.
MEN'S SUITS, made from all-wool cassimeres and

cheviots; cut in the latest style, either single or double breasted; offered elsewhere as special values at \$9 and \$10; now.....

MEN'S SUITS, high class in every respect, in the better grade of silk mixed cassimeres and worsteds; made in the new military cut as well as the more subdued styles; usual \$15 values; our price...... MEN'S DRESS SUITS, made from finest imported worsteds; in all the newest stripes and checks, handsomely tailored and in

every way equal to the suits sold down-town at \$18, \$20; now..... Our assortment of Fail and Winter Overcoats has been proncunced the most complete in uppe Ne'to York, veiced from \$4.50 to \$30.

Of Special Interest to Mothers. BOY5' ALL-WOOL SUITS, double-breasted vestee or sallor Blouses; sold elsewhere at \$2.50, \$3.00 and \$4.50.

BOYS' DRESS SUITS, of pure weed cheviots in stylish mixtures and fine worsteds, in blue or black, with or without vests; never sold for less than \$5.00...... 3.45

2338 and 2340 Third Ave., Corner 127th St.

PIANOLA RECITA

OPEN EVERY EVENING. NEXT SAT, TILL 11.45 P. M

To-Morrow, SATURDAY, OCTOBER 12th, at 3.00 P. M.

Admission Complimentary to All. SOLOIST

Miss LILLIAN CARLLSMITH.

The popularity of the Pianola attests in the most forcible manner that there is a need for an assistant in playing the piano, and that the Pianola supplies this need. It erables every one to play the

Not only does it play the piano—it enables you to play any selection in any way your mood may call for, as it is sensitive, by means of levers, to the slightest touch of expression which your feeling may desire to impart. We can better explain this by a practical illus-tration, and we cordially invite you to

AEGIJAN ORCHESTRELLE.

MISS CARLLSMITH.

THE AEOLIAN COMPANY, 18 W. 23d. St., N. Y.

Entire Market Responded to the

The market for American railway shares at London displayed decided im provement, reflecting the buoyancy in the local market yesterday afternoon Gains extended to 1 3-4 in the St. Paul closing figure of yesterday. Union Pasupport. Other issues which were up 2-4 per cent. were Louisville and Nash

Therefore, Is Postponed, The McPherson will contest, which was on to-day's calendar of the Hudson as adjourned for three weeks.

ney, Mr. Corbin, asked for the adjourn ment in order to familiarize himsel with the case.

anhattan Clothing Compan Opens Establishment Across

can select goods that they need and pay can select goods that they here and pay for them weekly or monthly as is most convenient. New stocks of fall and winter clothing have been secured, and complete outfits for men, women and children are offered, Bosiness suits, work suits, dress suits— these can be had ready made, or a com-plete tailoring establishment will make stocking to order.

plete tailoring establishment will make clothing to order.

The stores also have complete stocks of ladies and misses' clothing, consisting of tailor-made suits, sacques, capes, dress skirts, silk and flannel waists, millinery, &c.

Watches, diamonds and jewelry may also be bought on the same liberal terms. Prices as low as in stores that demand cash,

Ladies' English

PACIFICS THE LEADERS ON HEAVY BERLIN BUYING.

most practical garment ever Yesterday.

shares, which cold up to the equivalent fit and finish; colors, oxford, of 160 1-2, as compared with 158 3-4, the medium gray, tan and blue; closing figure of yesterday. Union Pa-clific, Anaconda, Denver and Rio Grande Sizes, 32 to 42 bust; value all were up 1 per cent. or more on good \$20, special,

ville and Southern Pacific. The steel and copper shares also showed improvement, with Rio Tintos leading at an advance of 473-4. Home securities were sympathetically

MRS. MUIR HAS NEW LAWYER of Scotch mixtures, with deep

County Orphans' Court at Jersey City Mrs. Edia Muir, who is contesting he nother's will, changed her lawyers few days ago, and to-day the new attor-

NEW BROOKLYN STORE.

Rain Coats.

called rain coats but very suitable for street or evening wear in rain or shine; the

Special lot for Saturday made of all-wool rain-proof cloth. 34 fitted back yoke style; velvet collar and silk lined sleeves; perfection of

\$15.00

Also Walking or Golf Skirts

flaring flounce, 25 rows of stitching; exceptional valueat \$5.50

Lord & Taylor, Broadway & 20th St.

DISS DE BAR FACES VICTIMS.

Unity Told in Court.

LONDON. Oct. 11 .- The hearing of the fortune-telling, and against whom other serious charges are made, was resumed

o-day. Victims corroborated speech yesterday of Charles W. representing the Treasury. They detailed the fantastic perform claims of Theodore that he was "Chris

The testimeny contained freque ference to the hypnotic infi